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EXECUTIVE DIRECTOR

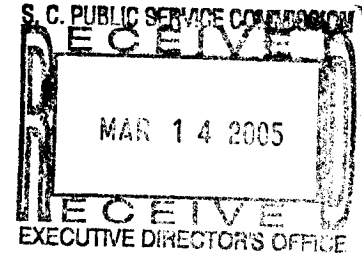
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GENERAL COUNSEL



March 9, 2005

Mr. Charles L.A. Terreni
Chief Clerk/Administrator
South Carolina Public Service Commission
101 Executive Center Dr., Suite 100
Columbia, SC 29210

Re: Beatrice Weaver

Dear Charles:

The Office of Regulatory Staff ("ORS") is advising that it is closing its investigation files on matters as they relate to Mr. and Mrs. Weaver for reasons set forth below.

This matter began during May 2004 when Ms. Weaver requested an investigation by the Public Service Commission ("PSC") of Progress Energy's estimation of her electricity bills and threat of disconnection.¹ The electricity bills in question relate to two meters on the Weaver's property and in particular, to a meter attached to a structure near the Weaver's home. Progress Energy changed rates to this "structure" during June, 2004 from residential to commercial rates based on communications from the Weavers and based on Progress Energy employees who had actually seen the structure. This change also included assigning a new commercial account number to the structure's bill.

In response to Ms. Weaver's May 2004 request, PSC Consumer Services Investigator Chad Campbell was assigned to investigate the matter. On June 18, 2004, Mr. Campbell responded to Ms. Weaver's complaint in a letter stating findings that Progress Energy was estimating bills because its meter readers could not access the Weaver property to read the meters for actual usage. As an alternate to physically reading the meters, Mr. Campbell suggested an automated meter reading service Progress Energy provides for a fee. Mr. Campbell

¹ This letter does not discuss Mr. Weaver's 2001 complaint against Progress Energy in Docket 2001-249-E which resulted in Progress Energy disconnecting electricity to the Weaver's home due unpaid electricity bills.

also wrote that pursuant to the Commission's regulations, "service can be denied or discontinued for failure of the customer to permit the electrical utility reasonable access to its equipment." Mr. Campbell concluded the letter in part by stating:

It is the opinion of the [Public Service] Commission Staff that Progress Energy has made reasonable efforts to get actual meter readings. Progress Energy has encountered various obstacles that have not allowed them access to your electric meters. Based on Commission Regulation 103-342 F, Progress Energy would be in compliance if they terminated your electric service.

Approximately two weeks later, Ms. Weaver asked Mr. Campbell about the automated meter reading service. In response, Mr. Campbell obtained information from Progress Energy about the service (called "Total Meter") and faxed it to Ms. Weaver. Mr. Campbell's fax contained an explanation of the Total Meter service and an application.² Ms. Weaver completed the application for the metered "structure" near her home, but used the old residential account number in completing the application. Progress Energy did not accept the application due, apparently, to the inaccurate account number, but to facilitate Total Meter installation, Progress Energy mailed Ms. Weaver a completed Total Meter application containing the appropriate account number so that Ms. Weaver only needed to sign it and return it. Ms. Weaver, however, did not return the application.

Since this time, Ms. Weaver has inundated Mr. Campbell with directives that he order Progress Energy to install the Total Meter and return the structure's status to residential. As you are aware, Mr. Campbell has no authority to command Progress Energy to install the Total Meter or to change rate status just as he has no authority to command Ms. Weaver to properly complete the Total Meter application. No one at the Office of Regulatory Staff has this authority. Only the PSC can order Progress Energy to take such actions. Notwithstanding this fact, Mr. Campbell has mailed Ms. Weaver at least nine letters about the Total Meter System and its application process.

Ms. Weaver is insistent that Mr. Campbell send her his "report confirming the residential status" of the structure. Mr. Campbell never told or insinuated to Ms. Weaver that he would write such a report, and, accordingly, there is no report. Further, Mr. Campbell cannot make a binding determination whether this "structure" is a residence or a commercial building.³ Such a decision would be beyond the power granted to the ORS by the legislature.

Further, Ms. Weaver blames Mr. Campbell for "six months of deliberate delays" in the testing of her meters. At no such time did Mr. Campbell or anyone at the ORS employ to deliberately delay testing of Ms. Weaver's meters. Ms. Weaver, however, did send much correspondence on the scheduled dates for meter testing. Despite Mr. Campbell asking Ms.

² The Total Meter Program essentially allows Progress Energy to read electric meters remotely without having to enter the metered property on a monthly basis.

³ Incidentally, when Ms. Weaver is asked what the "structure" is used for, she refuses to answer.

Weaver what date she would like her meters tested, Ms. Weaver caused the dates to be rescheduled for various reasons. These reasons included Ms. Weaver wanting to be present during the testing, but unable to attend on certain dates due to medical appointments. Ms. Weaver also wanted meter testing to take place on the same date as meter reading and Total Meter installation. Lastly, Ms. Weaver claimed she was not given enough notice on one instance for a rescheduled date even though Mr. Campbell wrote her three times confirming the date. Neither Mr. Campbell nor anyone at ORS engaged in deliberate delays of Ms. Weaver's meter testing.⁴

Ms. Weaver also requests "a complete accounting for the original residential account from January 1, 2004 to date." Progress Energy is the appropriate entity to send this request.

Ms. Weaver avers that Mr. Campbell refuses to send her "the ORS rules and regulations for the conduct of Investigations such as I requested back in May, 2004." In May, 2004, Mr. Campbell was employed by the PSC before becoming a staff member of the ORS. Ms. Weaver was sent the PSC rules and regulations on June 25, July 21, and July 27, 2004. The ORS does

⁴ --On July 31, 2004 (by fax sent August 2, 2004 to the PSC), Ms. Weaver requested that her meters be tested "as soon as practicable," but after "August 8, 2004."

--On August 9, 2004, Mr. Campbell wrote Ms. Weaver that ORS was available to witness her meter testing, and on September 8, 2004, Mr. Campbell faxed correspondence to Ms. Weaver that the meter testing is scheduled for Tuesday, September 14, 2004 with Wednesday and Thursday of that same week as alternate dates.

--On September 11, 2004, Ms. Weaver faxed that the scheduled testing dates would not work due to Duke Medical Center Appointments.

--On September 13, 2004, Mr. Campbell sent correspondence to Ms. Weaver requesting an appropriate time for meter testing.

--On September 29, 2004, Ms. Weaver responded that she would like three events to take place during the week of October 11, 2004: 1) meter testing, 2) Progress Energy meter reading, and 3) installation of the Total Meter. Ms. Weaver further stated that these events should be "processed" by October 24, 2004 due to surgery during the last week of October which will render her unavailable until the second week of November.

--On October 4, 7, and 8, 2004, Mr. Campbell wrote Ms. Weaver that her meter would be tested October 11, 2004.

--On October 9, 2004, Ms. Weaver faxed Mr. Campbell that if the Total Meter could not be installed on October 11, October 18 is an alternate date.

--On October 11, 2004, Ms. Weaver faxed Mr. Campbell stating that she was also not given enough notice for the meter testing on October 11 and that the meter testing should be on October 18. On this same day, Mr. Campbell wrote that he is not available October 18 and that the meter tests have been scheduled for October 21. (Mr. Campbell was unavailable on October 18 due to a conference.)

--On October 21, 2004, the scheduled meter testing was canceled because the meter testing technician was unavailable.

--On October 29, 2004, Ms. Weaver requested that the new meter testing date be November 10 (due to "surgery treatment between now and that date.") Ms. Weaver suggested November 22 or November 30 as alternate dates.

--On November 9, 2004, Mr. Campbell wrote that the meter testing is scheduled for November 22, the alternate date Ms. Weaver suggested.

--On November 13, 2004, Ms. Weaver responded that she has pre-operative procedures on November 22 and the testing will have to be done after November 24.

--On November 29, 2004, meter testing was completed. Ms. Weaver was not present.

not have rules or regulations as of this date aside from those contained in Act 175. Act 175 was sent to Ms. Weaver on July 30, 2004. Ms. Weaver has not been refused rules and regulations.

Lastly, Ms. Weaver claims the ORS and Mr. Campbell ignored her. It should be noted that since May, 2004, Ms. Weaver has sent over fifty-four pieces of correspondence to the Consumer Services Department in addition to placing numerous phone calls. In response, Mr. Campbell has diligently and patiently responded to Ms. Weaver with phone calls and approximately twenty-two letters and faxes since that time. However, in response to Mr. Campbell's assistance, Ms. Weaver has repeatedly insulted Mr. Campbell as negligent and unprofessional. Most recently, Ms. Weaver wrote to Mr. Campbell, "Your irresponsible, unprofessional behavior in handling my complaints, leads me to believe that you are either incompetent or acting on orders in the interest of third parties." [See Ms. Weaver's attached February 17, 2005 correspondence.] Mr. Campbell has not ignored Ms. Weaver. To the contrary, he has shown undeterred assistance of Ms. Weaver over the past eleven months despite being criticized by Ms. Weaver on a routine basis.

In summary, Ms. Weaver's current requests with the ORS are outside the ORS's statutory allowances. Ms. Weaver has exhausted the help and assistance available from the ORS. Accordingly, the ORS is not available to provide further assistance, and the investigatory files in the Weaver matter are being closed. If Ms. Weaver would like to pursue these matters further, a request for a formal proceeding before the PSC or direct contact with Progress Energy is the more appropriate action for her to take.

Sincerely,



Shannon Bowyer Hudson, Esquire

SBH/cc

Enclosure

cc: Ms. Beatrice Weaver (w/encl)
Mr. Gregory A. Cagle (w/encl)

Fax To: S.C. Office of Regulatory Staff
PO Box 11263
Colombia, SC 29211
Ph: 1 803 737 0800; 1 800 922 1531; Fax 1803 7374750

Attention: Mr. Chad Campbell
Investigator II
Consumer Services Dept.

From: Beatrice Weaver (from Durham, N.C.)
1 843 841 1606

Subject: Status of Investigation and Related Matters

Ref: Progress Energy
File No: 2004-219 - E
Meter No. B 91771
My Memoranda dated January 14, and 20, 2005 and previous
correspondence on file relating to the subject matter.

Date: February 17, 2005

Mr. Campbell:

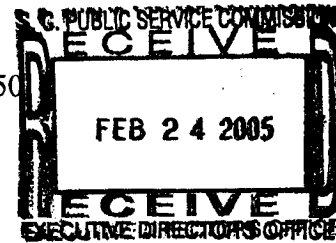
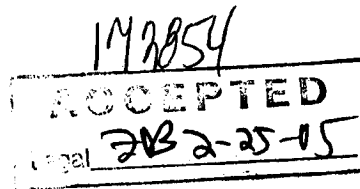
RE: Your **unsigned letter** dated February 11, 2004, mailed on
February 14 and received on February 16, 2005, together
with the illegible highlighted maps of the protected territories of
Progress Energy.

For the Record:

1. **Be advised that your subject letter is offensive to me.**

To summarize: You continue to evade the issue for some nine months of negligence and unprofessional conduct of your duties; finally, some three months ago on November 29, 2004 after six months of deliberate delays, you came with several witnesses to inspect the residential building and meters, under my prompting, which should have been done within the first couple of weeks after I filed my complaint; despite many requests you still refuse to issue me your report confirming the residential status of the building at 1249 Harllees Bridge Rd. Dillon; you continue to refuse to send me the ORS rules and regulations for the conduct of Investigations such as I requested back in May, 2004 when you were still at the PSC operating under its Commission rules, and you continue to obfuscate the issues to protect your own negligence in the conduct of this investigation, and Progress Energy in its violation of Commission, and ORS regulations.

2. Last but not least, after nine months you have the audacity to state to me that you are waiting for response from me to some letter that Progress Energy allegedly mailed to me, "asking you (me) to state exactly what the structure is used for." That question



should have been duly posed to me in writing by Pam Hardy, in May 2004 nine months ago, before she took upon herself to unilaterally, willfully with malice aforethought, and no prior written advice to me in violation of the regulations, to change the status of the residence to "small commercial". And thereafter, for nine months refusing to change the status back to residential which had been in effect for many years prior to the illegal change, despite my numerous protestations and complaints in writing, all duly filed with your Office.

It is clear to all that the purpose of Pam Hardy's illegal manipulation of my account with your full and complete support ("we deem it fair and reasonable"), was to obfuscate my complaints about estimates for which I originally filed my complaint with you in May 2004, and to keep Len Anthony's frivolous and nuisance Petition for disconnect my electricity pending before the Commission. If this were the case, you would be in collusion with the utility and in violation of the S.C. laws that prohibit such behavior on the part of a state employee.

What do you take me for? Do you have respect for me as a S.C. consumer who filed a legitimate complaint with a government agency mandated to protect consumers? I am outraged at your irresponsible behavior which in due course will be brought to the attention of the media and the S.C. Legislature. Your irresponsible, unprofessional behavior in handling my complaints, leads me to believe that you are either incompetent or acting on orders in the interest of third parties.

In fact it appears from your negligent actions that you may have deliberately assisted the interests of the utility to file against me frivolous and nuisance Petitions for electricity disconnect based on fabrications of "no access", while you in every way effectively assisted the utility in preventing me to install the Total Meter. That would in fact have removed any problems in reading the meter, and thus eliminate any and all of Len Anthony's lies and fabricated reasons for trying to disconnect because of alleged "no access".

This is really the nub of the matter.

In May 2004, I filed a complaint and request for investigation of Progress Energy's monthly billing "estimates". As a response Len Anthony evaded responsibility by filing a frivolous and nuisance petition for electric disconnect for alleged "no access" to the meters. In the meantime, you, for nine months, boycotted my efforts to install the total meter, and still do.

You Chad Campbell, are personally legally liable to me for all the mental suffering you have put me through as a result of your professional negligence, together with Pam Hardy and Len Anthony, for losses and damages, expenditure of time and effort. A case that a competent official could have resolved in some two weeks time, remains still unresolved some nine months later to the benefit of the utility and to great and continuing detriment and prejudice to me as a S.C. consumer.

AND NOW YOU HAVE THE NERVE AFTER SOME NINE MONTHS OF DELIBERATE WILLFUL OBSTRUCTION OF JUSTICE FOR ME, TO EVADE YOUR PROFESSIONAL RESPONSIBILITY AND NEGLECT TO PRODUCE A WRITTEN REPORT CONFIRMING THE RESIDENTIAL STATUS, BY ASKING ME WHAT IT IS. !!!

My answer to you Mr. Chad Campbell, Investigator II, is: What did you see when you looked at the kitchen sink? What did you see when you looked at the powder room?

What did you see when you looked at the living room furniture? And the laundry room? And the attic?

Note: On November 29, 2004, you and the other witnesses admitted to Mr. Weaver in response to his direct questions on the subject, that in fact there were no access problems of any kind as alleged by Len Anthony. That is, no dogs, no grass problems, road access right up to the meters, unlocked gates, etc. as falsely alleged by Mr. Anthony. Thereafter, you persist in continuing to refuse to clear the issue and declare in writing confirming the residential status of the building, and confirm that there are no access problems. Therefore, it is reasonable to ask you: Why? What is your reason? Why do you do this?

3. As stated on several occasions in the past, you continue to deliberately evade these issues in protecting Progress Energy. **Any letter you refer to that it may have sent to me, is irrelevant to your professional obligation to produce a report and my receiving your confirming report on the residential status of the building and confirming that there is no access problems as you and your witnesses clearly and unequivocally admitted to Mr. Weaver.** Your duty to produce your confirmation report has nothing to do with any letter you refer to. The issues are unrelated. You are introducing a "red herring" to obfuscate and defend your continued professional negligence and clear bias in favor of the utility..

You know and have been told many times, and Progress Energy has known for many years "exactly what the structure is used for" as you state. You have both been told this, ad nauseum, since June 2004. What kind of ridiculous insulting statement is it that you are making?

Obviously, you are covering up your negligence to date in not doing your job professionally and on a timely basis as required by the Commission rules. You have had nine months. Yet, you still have not filed with me your confirmation of the residential status of the building at 1249 Harllees Bridge Road, Dillon, following your inspection on November 29, 2004.

Accordingly, once again you are advised that you and your Office continue to obstruct and delay my processing of Progress Energy's frivolous and nuisance petitions pending before the PSC, of which you have been fully apprised.

4. **I reiterate for the record, unless and until I receive said report confirming the residential status of the said building, which you promised to mail me within six days of your November 29, 2004 inspection, or by December 6, 2004, the responsibility and accountability for any undue delay in processing and scheduling of Hearings of the two petitions, rests squarely on your shoulders and your Office.**

5. Furthermore, be advised that I am holding you personally, and your Office, ORS, negligently accountable for any extra costs and billings charged to me by Progress Energy dating since last June 2004, when the utility violated Commission rules and unilaterally changed the status of my account from residential to "small commercial" and has continued despite my protests to violate the rules by refusing to restore the status and original number of the account as demanded by me on many occasions to both you and the utility.

6. As discussed in my last memorandum to you dated January 20, and before that January 14, 2005, I duly requested your immediate response and report by Tuesday, January 18, 2005, concerning the subject matter and related events. You continue negligently to ignore those requests and all previous correspondence on the issue.

7. **Total Meter Installation on Meter B91771:** Your response on this issue has again ignored the facts. Once again, you are deliberately evading the issue and apparently protecting Progress Energy in its violations of Commission rules on this matter.

You know full well that Progress Energy violated the Commission rules in changing the status of the account in question last June. The act was simply nothing more than a vicious vindictive personal attack and harassment of me by Pam Hardy, instigated by Len Anthony.

Also as previously pointed out to you on numerous occasions, both you and Progress Energy have had a correct application on file for Total Meter installation on Meter No. B91771, the residential account, every month since June 2004 which I duly filed.

You and Pam Hardy are illegally pressuring me repeatedly and under threat of disconnect of service, to perjure myself in declaring that the building is "a small commercial" structure in order to get a Total Meter. As I wrote to you both previously I shall not perjure myself, and you are liable for illegal pressures on me and failure to conduct a proper investigation.

Moreover, the point is that the residential status of the building was established for many years without incident, and never needed any application in June in the first place. **Your admonition about the rate is superfluous.** You continue to ignore your responsibilities and accountability on that score also.

8. Once again for the continuing record, you and your Office have failed to conduct a proper investigation of this matter since I first filed with your Office, and for nine months thereafter, and have negligently failed to cure the violations that you and Progress Energy have perpetrated against me, jointly and severally.

9. **Nor have you sent me the official guidelines (manual) for the conduct of investigations by your Office. How many times do I have to ask for these? Must I resort to FOIA?**

10. Finally, for the record I am charging you, and you're Office with violation of Commission rules pertaining to timely and professional conduct of your duties, negligence, bias, and deliberate obstruction in the conduct of your investigation, and causing me emotional distress, damages and losses.

11. To conclude and again for the record, you are given formal notice that all of this has caused me grave emotional distress, damages and losses for which all parties shall be held accountable, including yourself personally as the Investigator on the case.

The evidence since last June 2004 clearly shows that you and your Office have failed in your mandated professional duty to conduct the investigation in a timely,

competent and professional manner befitting a supposedly impartial and objective government regulatory agency, as stipulated in the PSC regulations.

Several times I contacted you and each time you ignored my requests and did nothing. By your actions and inactions, you have clearly demonstrated your bias in favor of the utility. If the jury agrees that this is so, then the case may go further to other government and Federal Authorities, both civil and criminal as may be appropriate.

12. I request that you perform your professional duties on a timely basis as follows without any further delays, obfuscation, alibis, lies, fabrications, evasion, cover-up, lame excuses, shifting the responsibility, as has been your practice to date:

1. Issue the report to me confirming the residential status of the building, and confirming that no access problems were witnessed during your Inspection on November 29, 2004;
2. Order Progress Energy to restore the residential status of the account immediately, and refund all over-charges with interest;
3. Instruct the utility to install the Total Meter immediately under the original residential account number;
4. I request that my original account number be given back to me unchanged, as there was credit in it, and I have done nothing wrong; and
5. I also request a complete accounting for the original residential account from January 1, 2004 to date.

Thank you.

cc: Executive Director, P.S.C.
Office Of The Executive Director
P.O. Drawer 11649
S.C. Public Service Commission
Ph:1 803 896 5713/5230; Fax 1803 8965231

